

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI, by his Next Friend
MIGDALIZ QUINONES; and JUSTIN
RODRIGUEZ, by his Next Friend JACKLYN
ROMANOFF,

No. 20 Civ. 1590

individually and on behalf of all others similarly
situated,

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

[PROPOSED] TEMPORARY RESTRAINING ORDER

Upon reading the Memorandum of Law in Support of Petitioners' Motion for a Temporary Restraining Order, dated March 30, 2020, the Declaration of Katherine Rosenfeld, dated March 30, 2020, with attached exhibits, the Supplemental Declaration of Deirdre von Dornum, dated March 30, 2020, and all pleadings and proceedings relevant to this action; and

The Court having ordered that Respondent Warden Derek Edge show cause before this Court in Room _____ at 225 Cadman Plaza East, Brooklyn, NY 11201, on _____, 2020 at _____ .m., why an order should not be issued:

- (a) Ordering immediate release of individuals confined at the Metropolitan Detention Center ("MDC"), with appropriate precautionary public health measures, including Petitioner Chunn (scheduled to be released on 4/18/2020); Petitioner McBride (scheduled to be released on 4/16/2020); Petitioner Rabadi (scheduled to be released on 7/19/2020); Petitioner

Rodriguez (scheduled to be released on 6/9/2020); and all others confined at the MDC who Respondent has identified as medically vulnerable due to underlying health conditions or age (“Vulnerable Persons”)—and therefore at higher risk of developing serious COVID-19 illness;

- (b) Ordering Respondent to mitigate the serious risk of illness, death, and harm from COVID-19 to those who remain confined at the MDC;
- (c) Certifying this Petition as a Class Action;
- (d) Appointing a Special Master on an emergency basis to evaluate Vulnerable Persons for release and make recommendations for ameliorative action for other persons confined at the MDC; and
- (e) Ordering such other and further relief as this Court deems just, proper, and equitable;

it is hereby:

ORDERED that, pending the hearing and determination of Petitioners’ Class Action Petition Seeking Writ of Habeas Corpus Under 28 U.S.C. § 2241:

- (a) Respondent shall immediately release Petitioner Chunn (scheduled to be released on 4/18/2020); Petitioner McBride (scheduled to be released on 4/16/2020); Petitioner Rabadi (scheduled to be released on 7/19/2020); and Petitioner Rodriguez (scheduled to be released on 6/9/2020); and
- (b) _____ is appointed as a Special Master on an emergency basis to chair a Coronavirus Release and Mitigation Committee, which shall include a correctional health expert, in order to
 - (i) evaluate all Vulnerable Persons currently incarcerated at the MDC for

release, and (ii) make recommendations for ameliorative action for other persons held at the MDC; and it is

FURTHER ORDERED that no bond is required under Federal Rule of Civil Procedure 65(c); and it is

FURTHER ORDERED that, in light of the COVID-19 pandemic and Respondent's counsel having consented to electronic service, service of this Order and the papers upon which it is based be made on Respondent on or before the _____th day of _____ 2020 (a) to Richard P. Donoghue, United States Attorney for the Eastern District of New York, 271 Cadman Plaza East, Brooklyn NY 11201, by electronic mail to Richard.Donoghue@usdoj.gov; and (b) to the Deputy Chief of the Civil Division of the United States Attorney's Office for the Eastern District of New York, Seth D. Eichenholtz, by electronic mail to Seth.Eichenholtz@usdoj.gov (Counsel of Record for the Federal Bureau of Prisons in the currently pending *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons et al.*, 1:19-cv-00660-MKB-SMG (E.D.N.Y.)); and that said service be deemed sufficient; and it is

SO ORDERED:

U.S.D.J.